

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PHILIP MORRIS, JR.,

Plaintiff,

2:00-cv-2794-GEB-GGH-P

vs.

ANTHONY NEWLAND, et al.,

Defendants.

ORDER

\_\_\_\_\_/

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On March 6, 2007, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed March 6, 2007, are adopted in full;

2. Defendants' amended motion to dismiss, filed on April 26, 2006, is granted in part and denied in part as follows:

a) granted as to plaintiff's claims for a violation of his privacy rights under the Fourth Amendment or any claims for violations of his rights under the Eighth Amendment for defendants Weaver, Fletcher and Paul having observed him while he showered or while undressed in his cell, and these claims are dismissed;

b) granted as to plaintiff's claims of a violation of his Eighth Amendment rights against defendant Weaver for her having spread allegations as to his being a child molester, rapist, or homosexual and for sharing sensitive information about his commitment offense among staff and inmates;

c) granted as to any claims of conspiracy, and these claims are dismissed;

d) granted as to plaintiff's claims for prospective injunctive relief against defendant Newland and these claims as to defendant Newland are dismissed;

e) granted as to any claims for money damages for the participation of defendants Newland and Cambra in the grievance process or on claims regarding vicarious liability and these claims are dismissed;

f) denied as to plaintiff's claims of retaliation in violation of his First Amendment rights, against defendants Weaver, Fletcher and Paul for having unrestrictedly observed him in various states of undress (in the shower and in his cell) and these claims shall proceed;

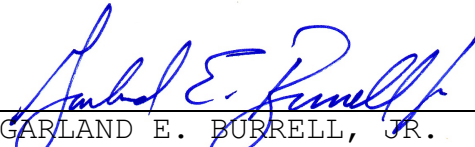
g) denied as to plaintiff's claims of retaliation against defendant Weaver for having spread false allegations of child molesting, homosexuality and rape against plaintiff, as well as sensitive information about his commitment offense for a two-year period to staff and inmates;

h) denied as to plaintiff's claims for money damages under RLUIPA against

1 defendants Newland, Cambra, Weaver, Fletcher and Paul;

2 i) denied as to plaintiff's claims for prospective injunctive relief against defendant  
3 Tilton, substituted for defendant Cambra, to the extent plaintiff has framed claims against a state  
4 prison policy allowing female guards to observe him, a male Muslim inmate, while he is nude in  
5 the shower or undressed in his cell.

6 Dated: March 30, 2007

7  
8   
9 GARLAND E. BURRELL, JR.  
United States District Judge